

05 - 49 8 AUG 29 2005

No. OFFICE OF THE CLERK

In the
Supreme Court of the United States

MR. STAN J. H. LEE,

Petitioner,

v.

2050 S. HAVANA LLC; KOREAN & JAPANESE
SUPERMARKET LLC Together Known as KO Mart LLCs;
THE DIANE KATCHEN & BARNEY KATCHEN TRUST,
Respondents.

On Petition for a Writ of Certiorari
to the Supreme Court of the State of Colorado

PETITION FOR WRIT OF CERTIORARI

MR. STAN J. H. LEE
Petitioner Pro Se
351 S. TAMARAC STREET
SUITE 200
DENVER, CO 80237
(303) 521-2343

Petitioner Pro Se

QUESTIONS PRESENTED

Due Process and Equal Protection of Laws:

- (1) Whether the collusive fraudulent conduct of the Petitioner's attorney against the Petitioner, constituted exceptional circumstances and excusable neglect on the part of the Petitioner's legal representative leading to denial of equal protection of laws and due process rights to the Petitioner ?
- (2) Whether the racist libelous attacks jointly carried by out by the Petitioner's Attorney Mr. David M. Fried with the Plaintiff's Attorney Mr. Howard J. Beck in case No. 02 CV 384 in open court on 21-21-03 constituted exceptional circumstances and denial of equal protection of laws and due process rights to the Petitioner?
- (3) Whether the oral order passed by the Trial Court on 3rd October 2003 purportedly on the basis of the hearing on the specific issue of invalidity of the RTG-TPD due to legal infirmity, but deciding the issue of ownership of shares without affording the Petitioner and RTG-TPD Trust any notice and opportunity to produce evidence on the specific issue of the judgment, against the documentary evidence on record of the court, and against the admissions of the Plaintiffs constituted denial of equal protection of laws and due process rights, rendering the order null and void?
- (4) Whether the written order dated 01-09-03 passed by the Trial Court in Case No. 01CV 0222 was null and void having been passed out of jurisdiction after more than 60 days of the filing of the Post Trial Motion of 16th October 2003 in violation of Rule 59 (j) of Colorado Rules of Civil Procedure?

(5) Whether the order of contempt citation and threat to the Petitioner of immediate arrest and indefinite incarceration without bond by the Trial Court for the refusal to sign the proposed "global settlement" interfered with the free, fair, and impartial judicial process and constituted denial of equal protection of laws and due process rights to the Petitioner?

(6) Whether the mistakes committed by the Petitioner's Attorney Mr. David M. Fried in not seeking full discovery in Case No. 02CV 384 constituted "excusable neglect and exceptional circumstances attributable to the Petitioner's legal representative" in terms of *Guevara v. Foxhoven*, 928, P. 2d 793, and denial of equal protection of laws and due process rights of the Petitioner?

(7) Whether the collusive fraud committed by the Petitioner's Attorney Mr. David M. Fried against the Petitioner's and in pursuit of the interests of the Plaintiffs in both cases 01 CV 0222 and 02 CV 384 interfered with free, fair and impartial judicial process and led to denial of equal protection of laws and due process rights to the Petitioner?

PARTIES TO THE PROCEEDINGS

Petitioner

Stan J. H. Lee

Respondents

- 1. 2050 S. Havana LLC**
- 2. Korean and Japanese Supermarket LLC
Together Known as KOMART LLCs**
- 3. The Diane Katchen Trust and Barney Katchen Trust**

TABLE OF CONTENTS

QUESTIONS PRESENTED FOR REVIEW	i
PARTIES TO THE PROCEEDING	iii
TABLE OF CONTENTS	iv
TABLE OF AUTHORITIES	viii
OPINIONS BELOW	1
BASIS OF JURISDICTION	2
CONSTITUTIONAL PROVISIONS AND RULES . . .	8
STATEMENT OF THE CASE	9
(a) Three Projects Established by the Petitioner . . .	9
(b) History & Background of Litigation in Case Nos. 01 CV 022	11
(c) Linking of Case No. 01 CV 0222 and Case No. 02 CV 384 by Plaintiffs	14
(d) Hearing Conducted by the Trial Court in Case No. 01 CV 022 on the issues of Invalidity of RTG-TPD Trust and Order of Compulsory Mediation obtained in Case No. 02 CV 384	14
(e) Transcript of Proceedings in Case No. 02 CV 384 in Court No. 401 on 21st Nov. 2003, 3rd June 2004, and 25th June 2004	17

- (f) Petitioner's request for Jury Trial and Further
Discovery before Trial in Case No. 02 CV 384 . 20

REASONS FOR GRANTING THE WRIT 22

- (a) Interference with Free, Fair and Impartial Judicial
Process in both cases by Collusive Frauds by
Petitioner's Attorney Mr. David M. Fried against
Petitioner & Court 22

- (b) Null and Void Nature of Orders of Trial Court in
Case No. 01 CV 0222 passed on 10-03-03,
01-09-04, and 08-30-04 22

- (c) Interference with Free, Fair and Impartial Judicial
Process by Racist Libelous Attacks Jointly by
Petitioner's Attorney Mr. David M. Fried with
Plaintiff's Attorney Mr. Howard J. Beck in Case
No. 02 CV 384- Further joined by Honorable
Judge Marilyn Leonard 25

- (d) Denial of Equal Protection of Laws to Petitioner
and Petitioner's Attorney 27

RELIEF REQUESTED BY PETITIONER 28

INTERIM RELIEF REQUESTED BY PETITIONER . . 29

APPENDIX

- APPENDIX A-1: Return of Service dt. 02-5-01 . . 1a
APPENDIX A-2 : Court's Notice dt. 03-29-01 . . . 3a
APPENDIX A-3 : Notice of Dismissal of Case 01 CV
0222 dt. 05-2-01 5a

APPENDIX A-4 Amended Return of Service dt. 05-02-01	7a
APPENDIX A-5 :Order for Entry of Default Judgment dt. 08-07-01	9a
APPENDIX A-6: Motion to Amend Order for Entry of Judgment	12a
APPENDIX A-7: Order for Entry of Default Judgment	15a
APPENDIX B-1: Formal Notice from Stan Lee to Operating Manger dt. 03-30-02	17a
APPENDIX B-2: Letter dt. 07-11-02	19a
APPENDIX B-3 Letter dt. 11-11-02	21a
APPENDIX B-4: Letter dt. 12-02-02	25a
APPENDIX B-5: Letter dt. 12-06-02	27a
APPENDIX B-6: Letter dt. 12-09-02	29a
APPENDIX B-7: Letter dt. 12-19-02	31a
APPENDIX B-8: Letter dt. 12-19-02	34a
APPENDIX B-9: Letter dt. 12-20-02	37a
APPENDIX B-10: Order of Trial Court dt. 05-16-03 Adding Party	40a
APPENDIX C -1: Hearing Brief of Plaintiff	42a
APPENDIX C-2: Supplemental Hearing Brief of Plaintiff	50a
APPENDIX C-3: Transcript of Oral Order dt. 10-03-03	54a
APPENDIX C-4: Written Order .dt. 01-09-04 ...	67a
APPENDIX C-5: Order Re: Pending Motions dt. 08-30-04	73a
APPENDIX C-6: Appellate Court Order dt. 12-24-04 in Appeal 04 CV 2077	75a
APPENDIX C-7: Supreme Court Order dt. 05-16-05 in Cert 05 SC 169	77a
APPENDIX D: Transcript of Proceedings dt. 11-21-03 in Case No. 02 CV 384	79a
APPENDIX E: Letter dt. 12-12-04	95a

APPENDIX F: Letter dt. 02-26-04	100a
APPENDIX G-1: Mr. Beck's Letter to Stan Lee dt. 04-06-04	102a
APPENDIX G-2: Mr. Beck's Fax Letter accepting Denial by Court Withdrawal of Mr. Fried as Petitioner's Attorney	105a
APPENDIX H-1: Order for Contempt Citation dt. 03-09-04	106a
APPENDIX H-2: Contempt Citation To Stan Lee dt. 03-17-04	108a
APPENDIX I: Mr. Beck's Email to Stan Lee dt. 04-09-04	110a
APPENDIX J: Transcript of proceedings in Case No. 02CV 384 dt. 06-03-04	112a
APPENDIX K: Transcript of proceedings in Case No. 02 CV 384 dt.06-25-04	120a
APPENDIX L: Order of Recusal by Trial Court dt. 07-16-04	142a
APPENDIX M-1: Order of Trial Court dt.12.15.04 denying Jury Trial	144a
APPENDIX M-2: Order of Trial Court dt. 12-15-04 denying discovery	146a
APPENDIX N: Order of Court of Appeals dt. 02-01-05 in Appeal No. 04 CA 2675	148a
APPENDIX O: Order of Supreme Court dt. 05-31-04 in Cert 05 SC 168	150a

TABLE OF AUTHORITIES

<i>Berg v. Egan</i> , 579 F.Supp. 330	7, 8
<i>Cleveland Bd. Of Education v. P. Loundermill</i> , 150 S. Ct. 1487	6
<i>Credit Investment & L. Co. v. Guaranty Bank & T. Co.</i> , 444 P. 2d 633	23
<i>Guevara v. Foxhoven</i> , 928 P. 2d 793	21
<i>Henniger v. Pinelass County</i> , 7 F. Supp. 1334	6
<i>Kerwin v. District Court</i> , 649 P. 2d 1086	20
<i>LePelletier v. F.I.D.C.</i> , 164 F. 3d 37	7
<i>Lucas v. District Court</i> , 346 P. 2d 1065	21
<i>Redman & Scripp Inc. v. Douglas</i> , 400 P. 2d 281 ...	23
<i>Wallace v. Bd. Of Regents of University Sys. Of GA</i> , 967 F. Supp. 1287	7
<i>Zinerman v. Burch</i> , 110 S. Ct. 975	5

OPINIONS BELOW

1. Supreme Court of Colorado, dated 31st May 2005, in Case No. 05 SC 168
2. Supreme Court of Colorado, dated 16th May 2005 in Case No. 05SC 169
3. Colorado Court of Appeals dated 1st Feb. 2005 in Case No. 05 CA 2675
4. Colorado Court of Appeals dated 12.24.04 in Case No. 04 CA 2077
5. Order of Trial Court dated 12.15.2004 on discovery in Case No. 02 CV 384
6. Order of Trial Court dated 12.15.04 on the issue of Jury Trial in Case No. 02 CV 384
7. Order of Trial Court dated 07.16.04 on Motion under Rule 97 in Case No. 02 CV 384
8. Transcripts of Court Proceedings in Court No. 401, Arapahoe County District Court, dated 06.25.04 in case No. 02 CV 384
9. Transcript of Proceedings in the Court No. 401, Arapahoe County District Court, in Case No. 02 CV 384 dated 06.03.04
10. Order for Contempt Citation dated 03.09.04 in Case No. 02 CV 384
11. Transcript of the Proceedings in Case No. 02 CV 384 in Court No. 401, Arapahoe District Court, dated 11.21.03
12. Order of the Trial Court No. 206, Arapahoe County District Court, dated 08.30.04 in Case No. 01 CV 0222 on various Motions of the Petitioner including Motion under Rule 59 CRCP

13. Order of Trial Court No. 206, Arapahoe Country District Court, in case No. 01 CV 0222, dated 01.09.2004
14. Transcript of Oral Order dated 10-03-2003 in Case No.01CV 0222
15. Order of Trial Court in case No. 01 CV 0222 dated 05.31-02
16. Order of Trial Court in Case No.01 CV 0222 dated 10-31-01
17. Order of Trial Court in case No. 01 CV 0222 dated 09-25-01
18. Order of Trial Court in Case No. 01 CV 0222 dated 08-07-01

BASIS OF JURISDICTION

1. This petition is filed under Sections 1983 and 1981 of Title 42 against deprivation of property of the Petitioner without due process and by denial of equal protection of laws by the Arapahoe County Courts acting under the color of State Law. The matter was appropriately represented to the Supreme Court of the State of Colorado but the requested permissible relief as per law was denied by its order dated 31st May 2005.
2. This Court has jurisdiction under Sections 1981 and 1983 of Title 42 to review the order of the Supreme Court of Colorado, dated 31st August 2005 denying a writ of certiorari, copy of the order of the Supreme Court of Colorado is annexed as Apx. O.
3. This Petition has been filed within 90 days of the order of the Supreme Court of the State of Colorado dated 31st May 2005.
4. The petition for a writ of certiorari before the Supreme Court of the State of Colorado was timely filed against the

order of the Court of Appeals in Appeal Case No. 04 CA 2675 dated 1st February 2005. Apx. N.

5. The Appeal in the Court of Appeals, State of Colorado, was filed against two orders of the Trial Court dated 12.15.04, copies annexed as Apx. M-1 and Apx. M-2.

6. One Trial Court order dated 12th May 2004 denied the Petitioners' request for jury trial and the other denied full discovery requested by the Petitioner. As the facts of the case show, the denial of the relief requested by the Petitioner constituted inter alia denial of due process rights of the petitioner under the facts and circumstances of the case.

7. The denial of the requested relief by these two orders also constituted denial of equal protection of the laws to the Petitioner and it not only condoned the frauds committed by the Petitioner's Attorney Mr. David M. Fried in collusion with Attorney Mr. Howard J. Beck representing the Plaintiffs in Case No. 02CV 384 and Attorney Mr. Richard S. Strauss representing the Plaintiffs in Case No. 01CV 0222 against the Petitioner and the Courts. This denial seems to even encourage and promote such frauds by attorneys.

8. The State Court also failed to take notice of the fact that the Attorneys Mr. David M. Fried and Mr. Howard J. Beck abused the court premises of Court No. 401, Arapahoe County District Court, to unleash grievous racist attacks on the Petitioner's present Attorney Dr. Kishan K. Khanna and obtained a contempt citation against the Petitioner and order for arrest and indefinite incarceration without bail against the Petitioner by material misrepresentations. This further resulted in denial of due process rights of the petitioner, equal protection of laws, and a free, fair and impartial trial guaranteed to every citizen.

9. The above denial of the fundamental rights of the Petitioner in Case No. 02 CV 384 was in continuation of the denial of